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Received *23 Oct. 1896.*

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ON THE

History of Chipping Norton.

BEING A LECTURE DELIVERED TO THE Y.M.C.A. AT
CHIPPING NORTON, ON 11TH APRIL, 1893,

AND PUBLISHED AT THEIR REQUEST.

WITH ADDITIONS AND APPENDICES.

By A. BALLARD, B.A., LL.B.

CHAPTER I.

INTRODUCTORY.

WE are to-day face to face with certain great social and economic problems which doubtless will in a short time cause a readjustment of political parties. The questions which relate to the land, to the relationship between capital and labour, to the support of the sick and aged, are more urgent to-day than they were in the days of our grandfathers. No one of these questions has attained its prominence by a sudden spring but by a gradual growth; and as no physician would attempt to heal a patient without previous enquiries into the cause of his disease, so social reformers ought not to attempt to grapple with the diseases of the body politic before they have enquired into their origin and growth.

"Happy is that nation that has no history" is a remark one often hears; and if by history is meant a mere record of stirring events, Chipping Norton is peculiarly blest. For scarcely anyone who has been connected with Chipping Norton has achieved any very high position or taken any very active part in the affairs of the State. Those who lived in the town were subject to few external influences to distract their attention from their own affairs, and on that account were able to guide their lives in accordance with the local opinion of the times. And it is in quiet humdrum places like Chipping Norton that we can best trace the growth of some of those important questions that meet us at every turn. Therefore, these Notes are devoted to a study of the local institutions of the Past rather than of the families that inhabited the town; and Chipping Norton is a peculiarly useful place to study, as we find here where the relations existing side

Our ancestors were men of like passions with us, and were engaged in grappling with the same problem with which so many of us have to grapple to-day—the bread-and-butter problem. And although their political economy was rejected by Adam Smith and the Manchester School, yet to-day we are beginning to think that the ideas of the middle ages were not so far wrong after all. Then, they thought that it was by no means the best policy to leave the prices of victuals to be settled by the principle of free competition*; now, we are beginning to see that the policy of “each man for himself and the devil take the hindmost” is very far removed from the Christian ideal. Then, by prohibiting the practice of ingrossing they prevented the formation of rings, and syndicates, and trusts; to-day, our American kinsfolk are crying out for some action against these curses of nineteenth century civilization. Then, they saw that it was to the interest of the community that every workman should be efficient in his art, and secured that end by the apprenticeship system; to-day, we are following in their steps with our Technical Education schemes. The crusades of the County Councils against light weights remind us of the Chipping Norton ale-tasters. And the benefit societies by which the labouring classes provide against sickness merely reflect one characteristic of the mediæval gild system.

One need not be a “*laudator temporis acti*,” nor believe that the old is necessarily the better, to be convinced that we lose much by neglecting the experience of our ancestors and by forgetting that one of the chief features in our history is that here

“Freedom slowly broadens down
From precedent to precedent.”

CHAPTER II.

THE LORDS OF THE MANOR.

No records can be found relating to Chipping Norton which are earlier than the Domesday Book; and from this book we learn that

Ulward White and Aluric Welp^a held Norton in the time of Edward the Confessor; but of their personality no trace exists to-day. In the re-distribution which followed the battle of Hastings and the subjugation of the country, Norton fell to the lot of

Ernulf de Hesding,^b who also became possessed of the manors of Bortone (Black Bourton) and Ludewell (Ledwell) in this county. In the Cartulary of St. Peter's Abbey, Gloucester, is a Charter of Henry II.,^c confirming to the Abbey its various possessions, including "the Church at Norton ['Cheping Norton'] in the margin in a later hand] with five virgates of land and the "tithe and the appurtenances the gift of Ernulf of Esding and "Emmelina his wife." Whether this donor is the same person as is mentioned in Domesday Book is uncertain. Ernulf de Hesding had two daughters^d; one, Matilda, married Patrick de Cahors; the other, Aveline, married

William Fitzalan (baron of Clun and Oswaldstre) in whose hands we find the manor in the reign of Henry II.^e Either this man or his father had in the preceding reign distinguished himself by the defence of Shrewsbury Castle against Stephen in 1138; but the fortress was captured, and some of the captives were slain.^f And later on he is referred to as one of the supporters

^a Domesday Book i., 160 c.

^c Gloucester Cartulary i. 351.

^b Id.

of the Empress Maud in her struggles with Stephen. This man^a deserves to be remembered as the founder of the Priory at Over Norton. He died in 1173,^b and appears to have been succeeded by another

William Fitzalan, to whom in 1204 were remitted ten marks of tallage imposed on his tenants at Norton,ⁱ and in 1205 was granted a Charter establishing a fair.^k He married Maria, daughter of Thomas of Erdington (Yarnton), and died in or before the first year of the reign of Henry III.,^l and appears to have been succeeded by

John Fitzalan, who was one of the attesting witnesses to the confirmation of the Charter by Henry III. in 1225, and in 1235 paid to the aid granted to the King one mark in respect of his holding half a knight's fee at Norton.^m He in his turn was succeeded by

John Fitzalan III.ⁿ (1222-1268), fourth baron of Clun. He was a minor when his father died, and on the 24th May, 1244, the king directed a writ to Barnard de Sabaud, his guardian, to deliver seisin of the manor of Cheping Norton (the earliest occurrence of the double name) to the heir, who had that year attained his majority.^o This same John the previous year succeeded *jure matris* to the Earldom of Arundel. He received from Henry III. in the thirty-seventh year of his reign a charter confirming the previous grant of a fair, and in the next year a grant of free warren over the Manor.^p He died in 1268 and was succeeded by his son,

John Fitzalan IV. (1242-1272), fifth baron of Clun and second Earl of Arundel. According to Lodge he died in 1272, and was succeeded by his son,

Richard Fitzalan I. (-1302), sixth baron of Clun and third Earl of Arundel. There must, however, be some mistake in the date of this man's accession, as in the Hundred Rolls for 1276^q and 1279^r a John Fitzalan is said to be tenant in capite of

^a Distinguished by Dugdale as William Fitzalan II. l.c.

Norton and Chepyng Norton. In 1276 two parts of the Manor of Northton were leased to the Abbess of Fons Embardi for ten years. It appears that Henry III. was indebted to the Abbess in the sum of £50, and that the late John Fitzalan owed a like sum to the king⁺; and that the effect of this lease to the Abbess was to discharge both his own debt and the king's. This John Fitzalan had probably died in or before the year 1282, for in that year King Edward granted Chepyng Norton to the Prior de la Grave (?) during the minority of Richard, son and heir of John Fitzalan, at a rent of £47 11s. 6d. However this may be,

Edmund Fitzalan (1285-1326), fourth Earl of Arundel, succeeded to the property. He was one of the favourites of Edward II., and being such was beheaded 17th November, 1326. The estate then seems to have escheated to

The Crown for almost two years, but on 20th October, 1328, it was granted to

Roger Mortimer,⁺ the paramour of Queen Isabella. He also suffered the death of a traitor, and was hanged at Tyburn on 29th November, 1330. After his death the Manor seems to have been restored to the Fitzalan family, and

Richard Fitzalan II. (1306-1376), son of the unfortunate Edmund, was restored as fifth Earl of Arundel on the 13th December, 1331. He was succeeded by his son,

Richard Fitzalan III. (1346-1397), who was one of the five Lords Appellant, *i.e.*, one of the five Lords who appealed (accused) of treason the Archbishop of Canterbury and others who had abetted Richard in his attempts at absolute rule, and on that account was illegally beheaded in the year 1397. The same year was issued a writ by which the King granted in fee to

John Cornewaille, Knight, the Manor of Chipping Norton, late the property of the Earl of Arundel lately attainted.⁺ How long it remained in his possession I am not able to say. According to Cox (*Magna Britannia*) during the reign of Henry VI. the Manor was in the hands of the Earl of Oxford. He was beheaded as a Lancastrian in 1462. and then Chipping Norton

CHAPTER III.

THE EARLY HISTORY OF THE PEOPLE.

IN the Domesday Book are mentioned four Nortons in Oxfordshire; without doubt Brize Norton is the Manor described as being in the possession of Fulco as mesne tenant of Roger d' Ivri,^a who held the Manor of the king. This Manor is noticeable as being one of the few instances in which the members of an apparently free village community were reduced at the Conquest to a state of serfdom; before the Conquest it was owned by fourteen thanes. At the time of Domesday Book it was fourteen hides in area, and was inhabited by one knight and thirteen villeins (or tenants in a state of serfdom) and sundry smaller tenants; but over all as landlord was Fulco, the Lord of the Manor. There are also two smaller Manors, one of a hide in extent in the possession of Teodricus the Goldsmith,^b and the other of half a hide in the possession of Godwin.^c

The Manor described as belonging to Ernulf de Hesding^d is, however, the one with which we have most concern, as it embraced the district now known as Chipping Norton and Over Norton. A rough translation of the entry relating to this Manor is as follows:—

"Ernulf de Hesding holds Norton; there are 15 hides and
 "1 virgate of arable land; the arable land employs 21 ploughs.
 "Now there are in the demesne [or home farm] 10 ploughs and
 "fifteen slaves; and 22 villeins and 16 bordars have 11 ploughs.
 "There are 3 mills yielding 72 pence a year, and 60 acres of
 "meadow. The rough pasture is one mile in length and in
 "breadth; formerly it was valued at £16, now at £22."

^a Domesday Book, 159 b.

^b The word *leuca* at first

^c Id., 161 b.

^d Id., 161 b.

^e Id., 160 c.

and only in later

To properly understand this extract from Domesday Book one must have some knowledge of the common or open field system ; under which the greater part of the cultivated land in a parish was divided into three great fields, one of which lay fallow every year. These three fields were subdivided by broad banks of turf into strips of a furlong in width, which strips were called shots. These shots were further divided into strips of about two or four poles in breadth ; so that each of these smaller strips being a furlong in length and two or four poles in breadth, contained either half an acre or an acre. Now the usual holding of a tenant in these fields was a virgate or yardland, which consisted of some thirty separate acre strips, scattered all over the three fields of the parish. The course of cultivation was settled by the common wish of the cultivators, and all were bound to act alike ; the usual rotation was wheat, barley or oats, and fallow ; so that every year one field was under wheat, one under barley, and the third lay fallow. All the tenants were allowed to turn their cattle into the fields between one harvest and the next seedtime ; and the Manor Court usually fixed beforehand the days when the respective fields should be heyned and broke. In later times we find that four of these tenants joined their oxen to form a plough team' ; and from this we can judge that towards the end of the eleventh century there were about two thousand five hundred acres* of cultivated land in Chipping Norton and Over Norton. Of these, twelve hundred (or the land of ten ploughs) were in the demesne or home farm, and were occupied by Ernulf de Hesding himself, and farmed by his bailiffs ; probably some proportion of these lands lay in enclosures around his house, but part was doubtless intermixed with the lands of his tenants in the open fields. To supply the labour required on these twelve hundred acres, the lord possessed fifteen slaves, who, with their families, were at his beck and call. The remainder of the labour on the lord's farm was supplied by his tenants, the villeins and the bordars, who held their farms on the condition that they did a certain quantity of work on their lord's farm. In early Saxon times the work that they were obliged to do was unlimited ; in fact their only difference from the slaves, pure and simple, was

that the latter appear to have been supported by the Lord of the Manor, while the villein tenants and bordars had a certain quantity of land allotted to them, from which in their spare time they had to earn their living. It was of course to the lord's interest that he should not demand too much work from them, so that they should have sufficient time to cultivate their own lands ; and in the process of time we find that they gained certain holidays, as against their lords ; and the economic history of the two centuries following the Conquest is in a large measure the history of the struggle of the villeins for freedom from this intolerable serfdom.

I said above that the usual holding of a tenant in the common fields was a virgate of about thirty acres ; but the record that the twenty-two villeins at Norton had eleven ploughs leads one to believe that here they farmed two virgates or sixty acres apiece. The bordars, of whom there were fifteen at Norton, were those who inhabited a "bord" or cottage, but they probably had each a few acres of land to cultivate. Finally, reckoning five persons to a household, we may be certain that the population of Norton (*i.e.* Chipping and Over Norton) was in the year 1085 not less than 265.

The three mills, yielding seventy-two pence a year, belonged to the lord, and were a constant and reliable source of income to him ; as no tenant was allowed to have his corn ground at a mill outside the Manor. It will scarcely be believed that the Lord of the Manor of Leeds possessed this privilege till 1839, when the inhabitants gave him £13,000 to release them from their obligation.¹ The watermeadows of sixty acres were probably in the lord's possession, and when it is remembered that at that time winter crops of roots were unknown, it will easily be seen that the hay from these meadows was most valuable. Finally, on the rough pasture, all the tenants of the place were allowed to turn their cattle at all times of the year and to gather fuel thereon.

After the Domesday survey there is a long lack of material for the social history of Chipping Norton, but the place seems to have become of

the Lord of the Manor, a charter allowing him to hold a fair at Chipping Norton for four days every year on the feast of the Invention of the Holy Cross (May 3rd) and the three following days.^k

Unfortunately the Hundred Rolls of the seventh year of the reign of Edward I., which give such abundant information with regard to the condition of the remainder of Oxfordshire, seem to be defective as regards Chipping Norton; for they record only sixteen villeins and one cottager living in the place.^l There is obviously something lacking here, for at the time of the Domesday Book there was double this number of households. But the slight information that is here vouchsafed to us is of great interest; for it shows to us that the villein tenants had been successful in their struggles against the Lord of the Manor, and instead of performing work on his farm as a return for the use of their farms, had compounded with him for a money rent and were then paying twelve shillings a year for about thirty acres of land. The course of transition seems to have been as follows:—In the beginning the tenants appear to have been obliged to unlimited work; secondly, they seem to have agreed with their lord to give him so many days' work a week (week-work), so many days' extra work at busy times (boon-work), and a gift in money or kind (gafol); thirdly, they seem to have commuted the week work for a money payment but to have continued their boon-work and gafol; and fourthly, as in Chipping Norton in 1279, all the work and gifts were commuted for a money payment.^m To our modern ideas twelve shillings is a small sum; but in 1279 wheat was selling at 5s. 1½d. a quarter, barley at 3s. 11½d., oxen at 12s. 11d. each, and a cart-horse at 13s. 10d.ⁿ During the thirteenth and fourteenth centuries the rent of land appears to have been sixpence per acre; and Professor Thorold Rogers^o estimates that the profit from a small farm of twenty acres, cultivated by the tenant and his family, would be £4 a year; out of this he would spend £3 on food and clothes, and would be left with a balance in hand of £1; no great saving in the nineteenth century, but remember that in

^k Rotuli Chartarum, 136.

^l Hundred Rolls ii. 846.

CHAPTER IV.

THE GILD.

ANOTHER proof of the growth of Chipping Norton in the fourteenth century is to be found in the fact that a charter "De Fraternitate Chepyng Norton" is mentioned in a calendar of documents of the reign of Edward III.^a I cannot obtain any information as to the contents of this charter, but the valuation of Ecclesiastical Property of the twenty-sixth year of Henry VIII. (known as the Valor Ecclesiasticus^b) confirms the fact of the existence of this Gild, and gives certain information with respect to it.

To the present day a relic of this Gild exists in the Guildhall, situate in the Middle Row. I believe that the tradition which states that the Guildhall is a relic of an old monastery within the town is absolutely without foundation, as I can find no documentary evidence of the existence of such monastery, while there is abundant material for the history of the Priory of Cold (or Over) Norton. There were various kinds of gilds: (i.) *the gild merchant*, the members of which had usually the monopoly of trading within the borough, *e.g.* a charter of Henry II. to Chichester declares that no one shall sell "cloth by retail within the city unless he be "a member of the merchant gild"; (ii.) *the craft gilds*, which regulated the exercise of any particular handicraft within a borough, and were almost the parallel of our modern trades unions: they regulated the number of apprentices to be taken by any member of the gild, and inspected the work which was executed by its members; (iii.) *the social gilds*, whose meetings were occasions of "feasting and jollity," although the meetings of the craft and merchant gilds had the same characteristics;

tenance of a priest, who said mass for their benefit. But in all these gilds the members paid their contributions into a common fund, out of which distress and poverty were relieved in time of need. Among their methods of benevolence were :—relief in sickness, old age and poverty ; aid in case of loss of property by accident or robbery ; loans to tradesmen commencing business ; while occasionally dowries were given out of the gild funds on the marriage of female members of the gilds.

The rich members of the gild often endowed it with gifts of money and land ; and we are told that the net income of the fraternity at Chipping Norton amounted to £7 14s. 0d. a year derived from lands in the town.

The Valor Ecclesiasticus shows that at Chipping Norton the gild supported six aged members in a certain almshouse ; but we must not on that account imagine that the support of the aged was the only relieving agency of the gild ; they probably employed their income in other good works as well. The gild at Chipping Norton seems to have been of a religious nature ; for from the Valor Ecclesiasticus we learn that it supported two priests, whose duty it was to say mass daily in the parish church, and also “to pray for the souls of our most excellent Prince Henry VII., and of his ancestors, and of the founder and benefactors of the same gild and fraternity for ever.” It is not certain whether this gild was the Gild of the Holy Trinity that was reported by the certificate of the Commissioners of Chantries (appointed under Edward VI., c. 14), to have supported “a morrow mass priest and a schoolmaster,” in addition to performing alms. In 1547 Sir Hamlet Malban was schoolmaster at £6 a year.^d

We have no such definite information as to the other objects of the Gild at Chipping Norton ; but there is good reason for believing that it partook of the nature of both the craft gilds and the merchant gilds ; or perhaps for believing that there were in the town two gilds, a craft gild and a merchant gild. After the grant of the charter in 1607, to which reference will be made later, one of the first acts of the Corporation was to pass a set of restrictive bye-laws

of the country, I am inclined to regard them rather as declarations of old laws than as enactments of new; it is inconceivable that a newly created body (consisting of only fourteen persons) could of their own will impose these restrictive customs on the rest of the inhabitants of the borough unless the latter had been used to observe them before the charter. And if in reading some of these bye-laws one substitutes "member of the gild" for "free of the borough" it might almost be thought one was reading the rules of some mediæval gild.

The parallel to the monopoly of trading possessed by the merchant gild at Chichester appears in the bye-law enacted by the Corporation at Chipping Norton, that no one should exercise a trade within the borough unless he were free of the borough under a penalty of 13s. 4d. a month. This bye-law was rigorously enforced; in 1758, William Harrison, William Bowell, and Ann Perkins were presented by the Grand Jury for exercising the trade of fruiterers, not being free of the borough; at the same time William Holloway was presented for exercising the trade of a wheelwright, being no Freeman; and in 1765 William Day was presented for a similar offence. The Town Clerk gave notice to foreigners requiring them to take up their freedom or pay the penalty; notice was given to James Stockford so to do on 10th January, 1824. And in the report of the Municipal Corporations Commissioners in 1833 it was reported that even lately process had been issued to recover the penalty of 13s. 4d. from some person who had traded within the borough, and was not free of the same.

It must not be supposed that every inhabitant of a town was *ipso facto* the member of any gild in the town: membership of the gild (like the Roman citizenship) was a privilege granted to a few only; it could be obtained by sons and apprentices of members as a matter of right; but was granted to strangers only on payment of a heavy fine. The freedom of the borough was subject to similar restrictions, and could be obtained* (a) *by birth*, i.e. the son of a freeman could demand in open court a copy of his father's admission and thereupon become free himself, (b) *by*

into the Borough Chest. And as a result of these restrictions there were in 1833 only 119 freemen.'

As was previously stated, the mediæval craft gild inspected the manufactures of its members and fined those who were guilty of bad work. The London Trade Companies are the only gilds that have survived to this day; and to-day the Plumbers' Company grants certificates to working plumbers throughout the country who satisfy their tests. The gild at Chipping Norton probably exercised a similar vigilance; for the old Corporation appointed certain officers known as Leather Sealers, whose duty it was to "try, search and examine all leather made "and exposed for sale within the borough, and to seize all leather "not properly tanned."

The Corporation bye-laws show other resemblances to the gild rules of other towns: the members of the Corporation were compelled to observe strict secrecy of the proceedings at the Council meetings,—a rule which reminds us of the rules of the gild at Lynn Regis which forbid the disclosure of the secrets of the gild to strangers under a penalty of 32*d.*^s Then again no apprentice was to be bound for less than seven years; his indentures were to be enrolled by the Town Clerk, and he was to be presented to the Corporation in open Court within four months of the commencement of his services. And the constant mention of the decent robes of office to be worn by the members of the Corporation and its officers reminds us of the livery that was worn by the members of the gild.

The religious purposes to which these gilds devoted a portion of their income were the cause of the destruction of the gild system; for after the dissolution of both the lesser and the greater monasteries Parliament passed a law in the last year of the reign of Henry VIII. which vested in the king the property of all Chantries and Fraternities. The work was not completed before Henry died, and therefore a fresh Act was passed in the eleventh year of the reign of Edward VI.; by that Act (section 11) it was provided that if any gild supported a school, lands were to be assigned out of the property of that gild for the support of the school; no

at Chipping Norton, and in 1832 the income of £6 a year was fixed by the Crown out of the salt office.^h By these Acts of Parliament the gild at Chipping Norton was despoiled of its property ; but I believe that in spite of its spoliation the gild survived and exercised its control over the trades of the town till the grant of the charter in 1607.

In addition to the gild property there was other property in the town which passed into the king's hands under the provisions of these laws. For the *Valor Ecclesiasticus* above quoted mentions three chantries or endowments of priests to say mass for the souls of the founders of the Chantries, and all three of these priests officiated in chapels in the parish church ; the first, John Smith, received £5 15s. 0d. a year net for a chantry in the chapel of St. John the Baptist ; the second, John Reynolds, had £4 a year for a chantry in the chapel of St. James ; and the third, John Gresse, had £6 10s. 0d. a year for a chantry in the chapel of the Blessed Virgin Mary. There can be no doubt that these endowments were confiscated by the king and granted to his favourites.

The confiscation of the monastic and gild property had an important economic effect on the whole country ; the gilds supported their members in old age and in sickness, but when their property was taken from them they had not the wherewithal to do so ; and on that account their old and sick members had to starve. It is noteworthy that the first law for the relief of the poor on similar lines to those followed to-day finds its place on our statute book within six years of the Acts of Parliament confiscating the gild property.ⁱ In the last year of the reign of Edward VI. a law was passed to the effect that two collectors were to be appointed in each parish to wait on every person of substance and enquire what weekly sum he would contribute to the relief of the poor ; by an Act of Mary's reign the unwilling giver was to be exhorted by the Bishop of the diocese in which he lived ; and in 1563 another Act of Parliament decreed that any person who disregarded the Bishop's exhortation was to be assessed by two justices, and if necessary to be committed by them to prison.

CHAPTER V.

THE OLD CORPORATION.

THE Charter of Incorporation of the Borough of Chipping Norton was granted on the 27th February, 1607, and the body established by it was very different from the Corporation which rules the Borough to-day. The Old Corporation was composed of fourteen life members, two of whom were known as Bailiffs, while the others were called Burgesses. The charter nominated the first Corporation; William Diston and William Hunt were the first Bailiffs; and Henry Cornish, Walter Thomas, Thomas Hyett, Thomas Fowler, Henry Carrick, John Willett, Mark Preston, Richard Berry, Thomas Cornish, Christopher Nedle, Henry Avery, and John Sidbury, were the first Burgesses. When any member died, his place was filled up by a person chosen not by the inhabitants of the town at large, but by the surviving members of the Corporation. Although the members of the Corporation were chosen for life, yet the corporate body had the powers necessary for the regulation of business and securing of order at their meetings by fining or expelling their members; for instance, there is a document in the Town Clerk's office, stating that "on 10 January, 1823, Mr. John Ward was removed from his office as a Burgess for non-attendance at the Council meetings, for leaving them before the business was finished, and for using insulting language to the Corporation."

The two Bailiffs, who held office for a year only, were chosen out of the Corporation on the Monday after Old Michaelmas; the custom was that each retiring Bailiff nominated two members of that body as his successors, and out of the four names thus before the meeting the Corporation chose the two Bailiffs for the

"Laws and Customs of the Realm and the Statutes for that purpose made; not to be of counsel in any quarrel, and to take nothing for their office of Justice of the Peace." The two Bailiffs elect had to attend the parish church on the Sunday before their election and there to take the Sacrament; and had to produce a certificate of their having done so, signed by the Vicar and Churchwardens, before taking the oaths. In addition, as Magistrates they had to take the oath of allegiance, supremacy, and abjuration; in other words, like the Vicar of Bray, they were obliged "to abjure the Pope and the Pretender;" and finally to sign a declaration against Transubstantiation. The two ex-Bailiffs were known as the Chamberlains, and it was their duty to keep the accounts of the Borough. The two Bailiffs had the right of appointing the two Serjeants-at-Mace, whose duties were to bear the maces before the Corporation every Sunday as they attended Church, for which they received a shilling a week, to attend the meetings of the Corporation, and to serve summonses.

Soon after the charter was received the Corporation proceeded to exercise their authority under the charter by passing bye-laws for the better government of the Borough. In speaking of the gild, I have already referred to several of these bye-laws as being very like the rules of the gilds up and down the country. The remainder deal with the conduct of the business of the Corporation; but especially noticeable is the bye-law enforcing attendance at Church every Sunday under the penalty of *2s. 6d.* for each defaulter. The Burgesses were to meet at the Guildhall every Sunday morning and evening "before the little bell there called the Saints' Bell should have done ringing," and also the "Town Clerk and Attorneys of the Borough Court, and the officers in their decent robes of office, and accompany the Bailiffs to the Parish Church, and return with them to the Guildhall after the Sermon, and there reverently take their leaves of them."

Another bye-law was to the effect that no person was to entertain strangers within the Borough without the consent of the Corporation, under a penalty of ten shillings a month.

It appears that the office of Burgess was not always regarded as an honour; and therefore there was a bye-law to the effect that

and the party to be chosen had not much voice in the matter : in fact he might be unwilling to act. This was the case in 1815 ; Mr. Matthews was then elected a Burgess but refused to act ; the Corporation tried to raise the fine by distraint of his goods, but he replevied ; then the Corporation seem to have had doubts of the legality of their bye-law, and they retired ; and complain that after that they cannot fill up their offices.

The Corporation had the right of appointing the Master of the Free Grammar School, who usually gave a bond to them conditioned for the repairs of the school ; they also appointed the Town Clerk, who received no salary, but was paid in fees. After the Corporation bought the Manor in 1667, they had the right of appointing a gamekeeper to kill game for the use of the Corporation, and to seize unauthorized guns and dogs. Mr. James Prestidge was appointed game-keeper in 1799.

By the charter a Court of Record (*i.e.* for the collection of small debts) was established in the Borough ; at this Court the Bailiffs were the sole judges, but they were assisted by the Town Clerk. This Court could not try actions of which the subject matter was over £4 in value ; and there are many instances of actions for £3 19s. 11d., where obviously the amount had been reduced in order to bring the case within the jurisdiction of the Court. The pleadings in the Court were in writing, and the practitioners therein had specially to be admitted Attorneys of the Borough Court of Chipping Norton by the Bailiffs. The Bailiffs of the Borough were the Magistrates of the Borough, and as such had jurisdiction over all offences, the punishment for which did not involve loss of life or limb. They were also the Licensing Authority for the Borough, and appear to have been very liberal in their grants of licences ; for in 1792 there were twenty-two licensed houses within the limits of the borough,—a number which appears more than sufficient for the needs of the inhabitants, when it is remembered that in 1801 the population was only 1,812.

This unref^ormed Corporation existed till 1835, when it was

CHAPTER VI.

THE COURT BARON AND COURT LEET.

ALTHOUGH under the Old Corporation the majority of the inhabitants of the Borough had no voice in the affairs of the Borough, yet in the annual Court Baron and Court Leet everyone was able to make his voice heard.

There appear to have been two kinds of Court Baron : in the one, better known as the Barons' or Freeholders' Court, where the freeholders were both suitors and judges, were tried all controversies relating to the lands within the Manor, and also actions of debt and trespass, in which the subject matter was under forty shillings in value. In the other, better known as the customary Court, which is the Court to which reference is made in the following pages, the jury were to inquire that the Lord of the Manor did not lose his services, duties, or customs ; but that the tenants made suit of court, paid their rents, and kept their tenements in repair ; they were to present all public and private nuisances which might prejudice the lord's Manor, and every public nuisance had to be punished in this Court by amercement. The presence of at least two freeholders of the Manor was necessary to the existence of this Court.

The Court Leet, to which all the householders of the Manor were summoned, had jurisdiction over crimes of every description ; whatsoever was found by the jury of the Court Leet was presented to the steward, who in cases of felony and treason returned the presentments to the Justices of Oyer and Terminer and of Gaol Delivery, but punished the less important offences on the spot.*

In earlier times the intent of the Court Leet was to view the

the Court Baron had a civil jurisdiction, and the Court Leet a criminal jurisdiction. But although there was technically this difference between the two Courts, yet in the eighteenth century their functions were practically indistinguishable, at all events at Chipping Norton.

The Courts were held on the same day as that on which the new Bailiffs were elected, *viz.* : on the Monday after Old Michaelmas; and after the Bailiffs had taken their oaths of office, the Serjeants-at-Mace called over the Court Roll, or list of all the householders in the Borough, and then the Roll of the Grand Jury who had been specially summoned some days previously. After the Jury had been sworn the Senior Bailiff gave them his charge; as the Jury of the Leet, they were to inquire into nuisances; such as placing timber on the highway, polluting water-courses, &c. Were the highways repaired? Had the Constables done their duty? Had any person rescued cattle that had been driven to the pound?

In George III.'s time they were further charged to inquire whether any person had built a house without four acres of garden, as ordered by the statute of Queen Elizabeth; and whether any person had been guilty of "forestalling," "regrating," or "ingrossing^b"; and also whether any stranger had traded in the Borough without taking up his freedom.

As Jury of the Court Baron, they were to inquire into the matters relating to the Commons and Lands. Had any person over-stocked the commons, or put any infectious beast thereon? Was any rent due to the lords? (this refers only to the quit rents). Were the regulations as to the cultivation of the land duly kept? Were any new regulations required^c?

After the charge, the Bailiff asked if any man could give evidence on any of the things above noticed; and if he could do so he was sworn and his evidence was taken. Then the Court was adjourned till the afternoon, and in the meantime the jury went round the

^b *Forestalling*: to buy before the market is open.

Regrating: to buy and sell again in the same market, or within four miles thereof.

Ingrossing: to buy up quantities of corn with intent to raise price.

and *Arresting*: to buy up quantities of corn with intent to raise price.

town and considered if there were any nuisances to report or presentments to make ; and also took counsel as to the bye-laws referring to the regulation of the commons and other lands for the next year. When they assembled in the afternoon they made their presentments and chose the borough officers for the next year. On the day after the Court, the Town Clerk issued his written precept to the Serjeants-at-Mace to warn the offenders to remove the nuisances within a certain time, or they would be fined. This notice was also given by the Town Clerk direct to the person committing the nuisance.

The Court Orders were for the most part concerned with the cultivation of the lands. When speaking of the common fields, I mentioned that the Court fixed the times for heyning and breaking the commons ; in addition, they made regulations fixing what animals should be allowed to go on the land ; who should gather gorse or weeds, or dig stone ; and who should be responsible for certain fences.

In 1821 the orders were printed at the expense of the parish, and circulated in pamphlet form. Two of these orders relating to the well-being of the town are here given :—"That the Constables, "Tythingmen, and all other Peace Officers, are desired to be very "vigilant in dispersing all manner of disorderly persons who "assemble themselves at the corners of New Street and Church "Street, and other places within this Borough, particularly on the "Lord's Day: and to take all such persons who refuse to dis-"perse when ordered, before one of the Magistrates."

"That all victuallers within this Borough are commanded not "to suffer any profuse drinking, tippling, or disorderly persons in "their houses, particularly on the Lord's Day, and that no beer or "liquors be drawn during Divine Service on that day."

There were a number of Borough Officers chosen by the Jury :

- (i.) *The Constables* (2), whose duties are well known.
- (ii.) *The Tythingmen* (2), who were practically assistant Constables.
- (iii.) *The Ale Tasters* (2) (also called the Clerks of the Market), whose duty was "to see that the meat, bread, and beer, sold

In earlier times it was probably part of the duty of these officials to see that the Assizes of Bread and Beer were observed ; in other words, to see that the bakers and brewers did not ask higher prices than the scale prices fixed by Act of Parliament, in accordance with the price of wheat ; which declared that bakers should take no more profit than $9\frac{1}{4}d.$ and two farthing loaves in every quarter of wheat, and that that sum was to include the cost of fuel and the wages of his workmen. The Assize of Ale was, when the quarter of barley was sold for twenty pence or two shillings, then brewers in cities ought to sell two gallons for a penny, and brewers out of cities to sell three gallons for a penny.^d

(iv.) *The Bellman and Beadle*, whose duty it was "to keep "nightly watch ; and to apprehend and bring to justice all vagrants, "night-walkers, and disorderly persons." It is often stated that he was to receive forty shillings if he did his work to the satisfaction of the next year's jury.

(v.) *The Drivers and Haywards* (2), who were to see that no infectious beast was turned upon the commons, to impound all cattle found trespassing, and to report to the Court all Pound Breaches.

(vi.) *The Leather Sealer*, above referred to.*

The presentments were varied ; many related to breaches against the Court Orders, by persons turning cattle on the land before the proper time ; many persons were presented for building on the waste of the Manor, for allowing their waggons to stand in the street, for leaving timber or stones about the highways, and for other nuisances or obstructions. In 1757 the jury present Thomas Crutch, for milking his cows in the public Market Place morning and evening, as being a great nuisance and very offensive to all His Majesty's liege subjects. In 1764, Thomas Robinson was presented for forestalling this market on Wednesday, 17th October instant, by buying three couples of live fowls near one hour before the market bell rang. The same year the bellman and beadle presented Abraham Griffin for keeping a disorderly house. In 1783, the Lords of the Manor were fined five shillings for not swearing the officers appointed at the last

Court. In 1785, Mr. George Matthews is presented for having his weights too light. In 1788, the guard of the mail coach is presented for wilfully and repeatedly throwing down the common wall. In 1794, the Jury are very sorry to have just cause to complain of the Corporation's neglect in attending to former presentments, and trust that the interest of the Corporation will no longer be preferred to the public advantage. To understand this entry it must be remembered that the Bailiffs and Burgesses were Lords of the Manor in their corporate capacity; and that the individuals composing the Corporation were tenants of the Manor; and it is not surprising that the Corporation was not willing to take action against the individual members of its body. In 1803, the Tythingmen presented the Clerks of the Market for losing the weights and scales provided for and belonging to them as such officers. In 1811, William Prestidge was fined £1 1s. *od.* for breaking open the pound and taking therefrom two pigs. In 1812, John King was presented for suffering his house in Middle Row to be in a dangerous state of decay, to the terror of His Majesty's liege subjects.

The following presentment was made in 1815:—"The Jury "having noticed with concern the assemblage of persons at the "corners of the New Street and Church Street on Sabbath days, "respectfully submit the same to the most serious consideration "of the Magistrates; and also with much deeper concern they "notice the increasing evil arising from the number of lewd and "base girls that frequent the streets in the evening, which they "consider as destructive of good morals, and also submit the "same to the most serious consideration of the Magistrates."

The above are a few examples to show the wide range of subjects which were within the cognizance of the Court Baron and Court Leet. The list might be extended indefinitely, but enough has been said to prove the usefulness of these ancient institutions, which fell into abeyance about the year 1846; at all events that year is the last year of which any Court Rolls are preserved.

CHAPTER VII.

THE COMMON.

THERE is in the Bodleian Library a document extending to three quarto leaves, entitled, "The Case of the Bailiffs and Burgesses of the Borough of Chipping Norton, relative to the enclosure of the Common Fields there." As far as I know, there is only that one copy in existence, and it is the best authority for the history of the Common.

It begins by reciting that in the first year of the reign of Richard I., Richard Lord Arundel gave certain pieces of Common to the town of Chipping Norton. Now this date is obviously wrong: (i.) in 1189 Norton was owned by the Fitzalans, who did not succeed to the title of Lord Arundel till 1242; (ii.) the name of Lord Arundel in 1189 was William D'Albiny; (iii.) but in the first year of the reign of Richard II. the Lord of Chipping Norton was Richard Fitzalan, Earl of Arundel. So I am inclined to believe that by a copyist's error "*Ricardi primi*" was written for "*Ricardi secundi*": this error is the more easily accounted for if we write in Roman numerals Richard I. and Richard II.

The parcels of ground enumerated in Lord Arundel's charter were named as follows:—Smith Mead, the Sidelings of the Primsdowns as set out by Meerstones, the Vernhill on the North side of the Primsdowns, the Brue and Southcomb. But in the eighteenth century they were better known by the names of:—

(i.) *The Great Common* (150 acres), which was heyned from Candlemas (2nd February) till May-day, and was stocked with horses and cows from May-day till Martinmas (11th November), and for the remainder of the year was stocked with sheep.

(ii.) *The Heath* (150 acres), which was open the whole year for great cattle and sheep, and was never heyned.

(iii.) *Southcombe* (150 acres), which also was never heyned, but stocked with horses and cows from Easter till Lammas (1st August)

(iv.) *Vernehill* (50 acres), which was stocked from Lammas till Martinmas with horses and cows : from Martinmas till Candlemas with sheep ; thence it was heyne'd till Whitsun eve ; thence till Lammas all the occupiers turned on horses and cows in one year out of two ; but in the second year these cattle were turned on by the occupiers of land only.

In addition to the common given to the town by Lord Arundel's grant there were 150 acres of Lammas ground which were heyne'd for hay from Candlemas to Lammas, and open for cattle during the remainder of the year ; and 1,500 acres of open fields, which were at that time cultivated on the four-field system, so that only one quarter of these fields was fallow every year ; the other fields were open from harvest till All Saints' Day (1st November).

In the year 1769, when the enclosures took place, there were in the town about 300 houses ; and every householder was entitled to turn two horses or cows on the commons ; the lands were divided into $74\frac{1}{2}$ yard lands, and every occupier of a yard-land was entitled to turn four horses or cows on the commons. In addition, all the inhabitants had valuable rights of gathering furze and gorse for fuel on certain lands, Southcombe especially. It will at once be seen that these common rights were an immense boon to the poorer inhabitants of the town.

Enclosures were then carried out under a private Act of Parliament, and the land-owners had taken the necessary steps to obtain this Act of Parliament ; but it was discovered that the bill deposited in the town for the inspection of the inhabitants differed from that presented to the House of Commons ; the former omitted all the lands granted by the Earl of Arundel from the schedule of lands to be enclosed, while some of these lands were included in the schedule presented to the House of Commons.

The Bailiffs and Burgesses called a public meeting to protest against this, and a petition, signed by a large majority of the inhabitants, was sent to Parliament against the Bill ; but all to no purpose ; and after the enclosure it was found that all that remained of the 500 acres given by the Earl of Arundel was 124 acres of the Great Common ; and that the remainder had gone to swell the possessions of the private land-owners. In addition, some

CHAPTER VIII.

OVER NORTON PRIORY.

THE Priory at Cold or Over Norton, which stood where the Priory Farm now is, was founded in the early part of the reign of Henry II. by William Fitzalan,^a who died about 1173. It was dedicated to St. Mary, St. John the Evangelist, and St. Giles, and its members in later years were of the order of St. Augustine. The possessions with which William Fitzalan endowed the Priory were "the manor of Over Norton and all the lands which he had "around their houses, and all the land that he had in the field "called Hyde towards Dunthrop, and all the land that he had in "Retcumbe." The name "Hyde" still survives in the "Hyde Wood" near Heythrop. In 1201 the possessions of the Priory extended to 328½ acres. Three years later Reginald Count of Boulogne obtained a charter for a fair at Cold Norton for three days, beginning on the feast of SS. Philip and James^b (1st May). The Prior and Canons seem to have received gifts of property from various benefactors, but the greatest of these seems to have been Radulphus, Earl of Stafford, who in 1371 granted to them the whole Manor of Rollright, "to find two chaplains to celebrate "mass for ever for the souls of his ancestors" in a certain chapel there built by him.

The Priory never seems to have contained many inmates; and many of the priors bear names which prove that they were local men; William of Tew, John of Wootton, and William of Hogenorton (or Hooknorton) are the names of three of the number.

The last prior was William Wootton, who died in 1496; on his

APPENDIX A.

OXFORDSHIRE MANORS IN THE HUNDRED ROLLS.

IN the first year of the reign of Edward I., when the survey known as the Hundred Rolls was made, all the Manors of Oxfordshire fell into one or another of four classes, varying with the nature of the services to be rendered to the lords. And these four classes correspond with the four stages given on page 14 as the probable course in the progress from serfdom to freedom.

(A.) An example of the Manors where the tenant was obliged to perform unlimited work for his lord is the Manor of **LITTLE TEW**, where we are told that "Richard holds a virgate of land of the said prior at three shillings a year, and he must plough and reap and work and pay tallage and redeem his children according to the will of the said prior." There are a large number of Manors within the hundred of Wootton, where the same formula is applied.

(B.) There were also a number of Manors where the work fell into the three divisions of *week-work*, *boon-work*, and *gafol*; of those, **ENSTONE** may be considered a good example; here the tenant of a virgate performed the following services:

Between Michaelmas and 1st August (43 weeks) he worked 54 days (*i.e.* 5 days in 4 weeks).

Between 1st August and Michaelmas (9 weeks) he worked 18 days (*i.e.* 2 days a week).

As *boon-work* he gave 2 days mowing, 3 days harvesting, and 2 days besides.

As *gafol* he presented the Abbot of Winchcombe who was

APPENDIX B.

CHARGES TO THE JURY IN THE COURT BARON AND COURT LEET.

Charge to the Jury in the Court Leet. GENTLEMEN of the Jury,—The business of the day for the dispatch of which you are called together being no new thing, having been often repeated to you, I shall briefly take upon me the discharge of my duty by giving you some few instructions relating to yours, which I doubt not your having a strict regard to, as it concerns your own interests. Our business at this time is to keep the General Quarter Sessions of the Peace for this Borough which is lodged in the Bailiffs as Justices of the Peace Oyer and Terminer by Special Grant by Charter. And also to keep the Court Leet and Court Baron, to which the Corporation are entitled as Lords of this Manor.

You are therefore to inquire whether any person has used false weights or false measures, and whether any persons exercise their trades without having taken up their Freedoms, and present all such.

You are therefore to inquire whether your Constables and Tythingmen have discharged their duties in arresting felons, pursuing of hues and cries, in having the Peace preserved, and whether they have not been negligent in doing things relating to their office.

You are likewise to look into your Highways and see whether they are repaired and amended, and to inquire whether the Surveyors of the Highways and the several persons concerned in repairing and amending the same have respectively done their duties, and whether the

any dung, or rubbish, or any blocks, or timber, or other offensive things are laid in or near the streets, ways, or roads, to the annoyance and hindrance of the King's subjects, and to present the same.

You are likewise to inquire whether any rescue hath been made upon any person driving of cattle to be impounded for a trespass committed, or any Pound Breach hath been made, and cattle illegally taken thence without due delivery.

You are likewise to inquire whether any incroachments have been made on the highways, and by whom. If any antient watercourse hath been turned or stopped up, whether any ditch or hedge hath been dug or made in the highway, or any watercourse kept therefrom, or turned therein, or any corrupt or noisome flesh or carrion laid in or near the same, to the annoyance of the king's subjects, and by whom, and present such persons.

As, Gentlemen, you are the Homage in the Court Leet, you will consider what officers ought now to be discharged, and present the names of other fit persons to supply their places.

At the Court Baron you are to inquire whether any person hath overcharged the Commons or put any infectious cattle thereon. As also whether any incroachments have been made on the waste ground, and by whom.

Charge in
the Court
Baron.

You are also to inquire whether any rent is due to the lords, and if any are withholden, by whom and of what value. As also of all advantages which have accrued or happened to the lords since the last Court.

You are likewise to inquire whether any persons have obstructed the execution of justice, by rescuing any prisoner from the constables or their officers.

You are likewise to inquire and take notice whether the orders of the last Court have been duly kept or not, and if broken, by whom, and present the offenders.

And Lastly and particularly, you are to observe and keep all such Rules, Orders, and Bye-Laws, as you shall make

APPENDIX C.

MISCELLANEOUS NOTES.

The Martyr Vicar.—It would be too long a task to go fully into the history of the Reformation; the movement which under Henry VIII. was political in its origin, in the reign of his son acquired an ecclesiastical development; and the step which impressed the religious change upon the minds of the country people was the enforced adoption of the New Prayer Book in lieu of the Mass in all parish churches on Whit-Sunday, 9th June, 1549. At the same time the people's minds were stirred by illegal enclosures of waste lands by the landlords, and by the confiscation by the king of the gild property. And in many parts of the country the rural population rose in revolt against the authorities; especially was this the case in Devon and Somerset; but there were also risings in the Midland Counties. In the summer of 1549, Lord Grey of Wilton, with 1,500 horse and foot, including a band of Italian mercenaries, was despatched to reduce the insurgents in Berks and Oxon, and by all accounts his hand was not light, and many suffered in defence of the Mass and their common rights. But before his task was accomplished he was summoned from Oxfordshire into Devon, and to ensure its completion he called a meeting of country gentlemen at Witney on 1st July, 1549, where he issued an order appointing seventeen gentlemen to act with the High Sheriff in the apprehension and execution of thirteen "traitorous persons" therein mentioned. Among these "traitorous persons" was the "Vicar of Chipping Norton," who was "to be hanged on the steeple there"; a like fate was decreed against "John Wade, parish priest of Bloxham."

It is not absolutely certain that he did suffer the

executed, as a letter from John ab Ulmis to Bullinger, dated Oxford, 7th August, 1549, states that "The Oxfordshire Papists "are at last reduced to order, many of them having been apprehended and some gibbeted, and their heads fastened to the "walls.^b"

Cavaliers and Roundheads.—During the civil war between Charles I. and his Parliament, Chipping Norton, owing to its proximity to Oxford, was frequently occupied by one or another of the opposing forces, but a fair proportion of the inhabitants of the town appear to have belonged to the popular party, and some of them suffered on that account.

After the execution of Charles and establishment of peace under Cromwell, it appears that some of those who had suffered losses during the civil war were recouped out of the public treasury. Among others, William Diston of Chipping Norton petitioned the council that he had been many times taken prisoner by the king's party and had had to pay ransom for himself, and in addition had been obliged to pledge £600 to redeem his uncle, Henry Cornish, and had been obliged to pay interest on this sum. On this account the council on December 27th, 1655, ordered the Commissioners of the Treasury to pay to Diston £250 to assist him under his losses.^c

I am indebted to the Rev. J. C. Bowen, of Banbury, for the information that the gloving industry was introduced into Chipping Norton by his father, Benjamin Bowen, from Worcester, between the years 1820 and 1830. And also that a barn behind his father's house, which stood where Finsbury Place now stands, was used as a theatre in the winter months by Jackson's Company. He has also furnished me with many other interesting notes which to my deep regret I am unable to print at the present time.

^b Lec, Edward the Sixth, 121.

^c Calendar of State Papers. 1655-6. D. 78.

